

# PATENT COOPERATION TREATY

Modtaget den

13 OKT. 2004

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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To:

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NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(PCT Rule 71.1)

Date of mailing  
(day/month/year) 11.10.2004

Applicant's or agent's file reference  
99000105/CHE

## IMPORTANT NOTIFICATION

International application No.  
PCT/IB 02/02516

International filing date (day/month/year)  
01.07.2002

Priority date (day/month/year)  
01.07.2002

Applicant  
NOKIA CORPORATION et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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## PATENT COOPERATION TREATY

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17 DEC 2004

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ART 34 AMDT



## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 OCT 2004

WIPO PCT

Applicant's or agent's file reference 99000105/CHE		<b>FOR FURTHER ACTION</b> See Form PCT/PEA/416	
International application No. PCT/IB 02/02516	International filing date (day/month/year) 01.07.2002	Priority date (day/month/year) 01.07.2002	
International Patent Classification (IPC) or national classification and IPC H04Q7/22			
Applicant NOKIA CORPORATION et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 8 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand  19.01.2004		Date of completion of this report  11.10.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Mele, M  Telephone No. +49 89 2399-7994 	

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IB 02/02516

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-30 as originally filed

**Claims, Numbers**

1-23 received on 16.06.2004 with letter of 14.06.2004

**Drawings, Sheets**

1/4-4/4 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☒ the claims, Nos. 24-26
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/IB 02/02516

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-23
	No: Claims	
Inventive step (IS)	Yes: Claims	1-23
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item I**

**Basis of the report**

1. The Applicant has provided with the letter of 14.06.2004 amended **Claims 1-23 (Article 19(1) PCT)**. These amendments are considered to comply to **Articles 19(2) and 34(2)(b) PCT**.
2. Reference is made to the following documents:

D1: WO 99/ 457 02 A1

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

3. The present application meets the requirements of **Articles 33(2) and 33(3) PCT**, because the subject-matter of **Claim 1** is novel and involves an inventive step for the following reasons.

Document **D1**, which is considered to represent the most relevant state of the art, discloses, according to features of **Claim 1** (applying the terminology of present **Claim 1** and the references to **D1**), a system for communicating a promotion message (page 8, line 31 to page 9, line 5) to one or more communication terminals (page 9, lines 18-22), which promotion message is associated with an event (page 3, lines 6-30) having defined a start time (page 8, line 17-30), said system comprising:

- an event manager (television distribution facility "38", fig. 1) for providing said event (tv programs, page 8, lines 17-21) to one or more receivers (user equipments "44", fig. 2) starting from said defined start time (the time the program is scheduled, see page 11, lines 7-14) and for generating (eventually, by an advertising facility, page 9, lines 10-12) a promotion message request (page 9, lines 17-24);
- a promotion server (Main facility "32", fig. 1; containing Guide database "34" and Advertising Database "36") for communicating said promotion message (advertising informations) to said one or more communication terminals (user

equipments "44", fig. 2) through at least one communication network (page 12, lines 1-10; communication paths "46", fig. 1, and network nodes "58", fig. 2) through a connection (communication link "40", fig. 1) interconnecting said event manager (television distribution facility "38", fig. 1) and said promotion server (Main facility "32", fig. 1);

- said one or more communication terminals (user equipments "44", fig. 2) adapted to respond to said promotion message by communicating an acceptance signal through said at least one communication network to said promotion server (page 11, lines 22-32; page 31, lines 6-23);
- said promotion server (Main facility "32", fig. 1) comprising a register (a data record; page 31, line 21 to page 32, line 7) for associating an accepting communication terminal of said one or more communication terminals with said promotion message (accepting an advertised pay-per-view program, page 19, lines 6-18) on reception of said acceptance signal from said accepting communication terminal (page 30, line 18 to page 31, line 23);
- said promotion server (Main facility "32", fig. 1) adapted to communicate a signal for said event (advertising informations, page 14, lines 3-13) to said accepting communication terminal through said first communication network (page 16, line 17 to page 17, line 7).

The subject-matter of **Claim 1** differs from the disclosure of **D1** in the fact that:

- The promotion server communicates said promotion message to said one or more communication terminals **in response to receiving the promotion message request** from said event manager through a connection interconnecting said event manager and said promotion server; and
- the signal sent by the promotion server to the accepting communication terminal is a **reminder signal** for said event.

The subject-matter of **Claim 1** is therefore novel (**Article 33(2) PCT**).

The objective technical problem solved by these feature would be considered by the skilled person as to provide the capability to send a reminder signal in response to

a request sent by the event manager.

**D1** does not disclose that the request message from the event manager (television distribution facility "38", fig. 1) is sent to the promotion message server (main facility "32", fig. 1) in order to communicate the promotion message (advertising message) to the communication terminals, however it teaches that the event manager (television distribution facility "38", fig. 1) may request to the communication terminals to send their user's selections via a return path of the communication network. These informations are used to keep a data record or a profile of user's preferences and are necessary for a broadcasted program selection (fig. 28; page 11, lines 22-26; page 31, lines 12-27). Consequently some actions, like presenting an list of previously selected programs or a reminder, are obvious in the light of user preferences (fig. 3).

However, **D1** is silent about sending from the event manager to the promotion message server a request to send a promotion message to the user's terminal. Hence, this feature is either not disclosed in **D1** nor rendered obvious by the other available prior art.

Therefore the subject-matter of Claim 1 also involves an inventive step (**Article 33(3) PCT**).

4. The same considerations as made in respect of **Claim 1** are also valid for independent **Claims 16 and 19**, which contains a corresponding feature combination as **Claim 1** in terms of a claim relating to a method and an apparatus respectively.

Therefore, the subject-matter of **Claims 16 and 19** is also novel and involves an inventive step (**Articles 33(2) and 33(3) PCT**).

5. **Claims 2 to 15, 17, 18 and 20 to 23** are dependent to **Claims 1, 16 and 19** respectively and hence they are novel and inventive as well and also satisfy the criterion set forth in **Articles 33(2) and 33(3) PCT**.

#### **Re Item VIII**

#### **Certain observations on the international application (clarity)**

6. It is clear from the description on page 4, lines 12 to 22 that the following features are essential to the definition of the invention:

- The communication terminal is adapted to respond to a promotion message by communicating an acceptance signal;
- The communication terminal is adapted to receive a reminder signal communicated by the promotion server.

Since independent **Claim 19** does not contain these features it does not meet the requirement following from **Article 6 PCT** taken in combination with **Rule 6.3(b) PCT** that any independent claim must contain all the technical features essential to the definition of the invention.

7. The relative terms "promotion message", "event", "event manager" and "promotion server" used in **independent Claims 1, 16 and 19** have no well recognized technical meaning, thereby rendering the definition of the subject-matter of said claims unclear (**Article 6 PCT, PCT Guidelines A5.20[2]**).

**Re Item VII**

**Certain defects in the international application (form or content)**

8. Independent **Claims 1, 16 and 19** are not in the two-part form, as recommended by **Rule 6.3(b) PCT**, with the preamble that correctly reflects the features already known from **D1**.
9. The features of the preambles of the claims are not provided with reference signs placed in parentheses (**Rule 6.2(b) PCT**).
10. In order to meet the requirements of **Rule 5.1(a)(ii) PCT**, the cited document **D1** should have been acknowledged and briefly discussed in the opening part of the description.



Claims

1. A system for communicating a promotion message to one or more communication terminals, which promotion message is  
5 associated with an event having defined a start time, said system comprising:

(a) an event manager for providing said event to one or more receivers starting from said defined start time and for generating a promotion message request;

10 (b) a promotion server for communicating said promotion message to said one or more communication terminals through at least one communication network in response to receiving said promotion message request from said event manager through a connection interconnecting said  
15 event manager and said promotion server; and

said one or more communication terminals being operable to respond to said promotion message by communicating an acceptance signal through said at least one communication network to said promotion server, said promotion server

20 comprising a register for associating an accepting communication terminal of said one or more communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal and said promotion server being operable to communicate a  
25 reminder signal for said event to said accepting communication terminal through said first communication network.

2. A system according to claim 1, wherein said event comprises media events such as television transmissions of movies, sports  
30 games or shows; or radio transmissions of music, talk shows or theatrical plays; or events such as premiers of theatre plays or of movies in a cinema; exhibitions of various kinds e.g.

art, industry or products; seminars; or conferences; or any combination thereof.

3. A system according to claims 1 or 2, wherein said

5 communication terminal comprises terminals such as mobile or cellular phones, personal office assistants, personal computers or any combination thereof.

4. A system according to any of claims 1 to 3, wherein said

10 promotion message comprises a text, a series of texts, a picture, a series of pictures, a video sequence, a series of video sequences, an audio track, a series of audio tracks, or any combinations thereof.

15 5. A system according to any of claims 1 to 4, wherein said one or more receivers comprises a television, a radio, a set-top box, a receiver module for a computer, a multimedia terminal, a mobile or cellular phone, a personal office assistant, a personal computer, or any combination thereof.

20 6. A system according to any of claims 1 to 5, wherein said promotion message request comprises information such as said start time, end time of said event, duration of said event, event identity, event type, event presentation platform,

25 promotion message, list of said receivers and said one or more communication terminals, or any combination thereof.

7. A system according to claim 6, wherein said event

30 presentation platform comprises a television, a radio, a set-top box, a receiver module for a computer, a multimedia terminal, a mobile or cellular phone, a personal office assistant, a personal computer, or any combination thereof

connected a media communication network, and a network broadcaster.

8. A system according to claim 7, wherein said media

5 communication network comprises a cable television network, a satellite television network, a radio frequency television network, a telephone network, a powerline network, a radio network or any combination thereof.

10 9. A system according to any of claims 1 to 8, wherein said first communication network comprises a wired or wireless telecommunication network, local area network, metropolitan area network, wide area network, or inter-network such as the Internet, a dedicated communication line, or any combination  
15 thereof.

10. A system according to any of claims 1 to 9, wherein said connection comprises a wired or wireless telecommunication network, local area network, metropolitan area network, wide  
20 area network, or inter-network such as the Internet, a dedicated communication line, or any combination thereof.

11. A system according to any of claims 1 to 10, wherein said promotion server comprises a storage device for storing said  
25 register, said reminder, said promotion message, and a processor for processing communication with said one or more communication terminals, for processing said promotion message request from said event manager, and for updating content of said storage device.

30

12. A system according to any of claims 1 to 11, wherein said register comprises information such as promotion message identity; one or more communication terminal identities; event

data such as event title, event type, event presentation platform, event identity and/or event actions; time data such as said start time, end time of said event, duration of said event; group application data such as a group identity

5 comprising one or more communication terminal identities and/or group actions to be performed; or any combination thereof.

10 13. A system according to any of claims 1 to 12, wherein said one or more communication terminals is operable to forward said promotion message from said one or more communication terminals to further communication terminals connected in said first communication network.

15 14. A system according to claim 13, wherein an accepting communication terminal of said further communication terminals is operable to respond to said promotion message by communicating an acceptance signal through said first communication network to said promotion server and said promotion server is operable to associate said accepting  
20 communication terminal of said further communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal and said promotion server being operable to communicate a reminder signal to said accepting communication terminal through said  
25 first communication network.

30 15. A system according to claim 13, wherein an accepting communication terminal of said further communication terminals is operable to respond to said promotion message by communicating an acceptance signal through said first communication network to said one or more communication terminals and said one or more communication terminal comprises a local register for associating an accepting communication

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terminal of said further communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal and said one or more communication terminals is operable to communicate a reminder  
5 signal to said accepting communication terminal through said first communication network.

16. A system according to any of claims 1 to 15, wherein said one or more communication terminals are operable to start a  
10 predetermined application when receiving said reminder signal.

17. A method for communicating a promotion message to one or more communication terminals, which promotion message is associated with an event having a defined start time, said  
15 method comprising:

- (a) initiating said promotion message by means of a event manager forwarding a promotion message request to a promotion server;
- (b) transmitting said promotion message to said one or more  
20 communication terminals by means of a promotion server connected to said one or more communication terminals through a first communication network;
- (c) receiving said promotion message from said promotion server by means of said one or more communication  
25 terminals;
- (d) accepting said promotion message by transmitting an acceptance signal to said promotion server by means of said one or more communication terminals;
- (e) receiving said acceptance signal from an accepting  
30 communication terminal of said one or more communication terminals by means of said promotion server;

(f) associating said accepting communication terminal with said promotion message on reception of said acceptance signal from said accepting communication terminal by means of a register of said promotion server; and

5 (g) transmitting a reminder signal for said event to said accepting communication terminal through said first communication network by means of said promotion server.

10 18. A method according to claim 17, wherein said method further comprises forwarding said promotion message to further communication terminals connected to said first communication network by means of said one or more communication terminals.

15 19. A method according to claim 18, wherein said method further comprises

(h) accepting said promotion message by transmitting an acceptance signal to said one or more communication terminal by means of said further communication  
20 terminals;

(i) receiving said acceptance signal from an accepting communication terminal of said further communication terminals by means of said one or more communication terminals;

25 (j) associating said accepting communication terminal with said promotion message on reception of said acceptance signal from said accepting communication terminal by means of a local register of said one or more communication terminal; and

30 (k) transmitting a reminder signal for said event to said accepting communication terminal through said first communication network by means of said one or more communication terminal.

20. A method according to any of claims 17 to 19, wherein said method further incorporates features of the system according to any of claims 1 to 16.

5

21. A communication terminal for communicating in a first communication network and for receiving a promotion message and a reminder signal from a promotion server, and comprising a messaging module for transmitting and receiving messages

10 through said first communication network; a calendar module for enabling a user of said communication terminal to perform general calendar operations; a media playback module for outputting said promotion message; a storage module for storing promotion message information, and a promotion messaging module  
15 for receiving and transmitting said promotion message.

22. A communication terminal according to claim 21, wherein said promotion message information comprises promotion message identity; one or more communication terminal identities; event  
20 data such as event title, event type, event presentation platform, event identity and/or event actions; time data such as said start time, end time of said event, duration of said event; group application data such as a group identity comprising one or more communication terminal identities and/or  
25 group actions to be performed; or any combination thereof.

23. A communication terminal according to claims 21 or 22, wherein said communication terminal further comprises a display and loudspeaker for communicating said promotion message to a  
30 user of said communication terminal.

24. A communication terminal according to claims 22 or 23, wherein said storage module is operable for storing a promotion

message identity and information comprising transmitter identity and associated messaging contact information, recipient identity and associated messaging contact information, media event information such as identity code, name or title, start time and end time, and group application data, which data is operable for initialising and starting a reminder application in response to receiving said reminder signal on said communication terminal.

25. A communication terminal according to any of claims 21 to 24 further comprises an application utilising an electronic program guide containing information on media events so that said application in cooperation with said calendar provides a reject signal when said communication terminal is busy.

26. A communication terminal according to any of claims 21 to 25, wherein said communication terminal further incorporates features of the system according to any of claims 1 to 16 and incorporates features of the method according to any of claims 17 to 20.